

## **Remarks**

Claims 1-13 and 22-23 are pending. Claim 12 has been amended to recite, in accordance with the Examiner's suggestions, an arbitration function [that] selects the supervisory terminal to perform the supervisory activity based on the subset into which the requested supervisory activity falls.

Claims 14-21 have previously been withdrawn.

### **Status of the Claims**

All pending claims are under rejection.

Claims 1-8 and 22-23 are rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,494,136 to Humble (hereinafter "Humble") in view U.S. Patent No. 6,502,749 to Snyder (hereinafter "Snyder").

Claims 9-11 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of U.S. Patent No. 6,629,019 to Legge *et al.* (hereinafter "Legge").

Claims 12-13 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of U.S. Patent No. 6,453,689 to Wada (hereinafter "Wada").

### **Claims 1-8, 22-23 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder**

The Examiner notes that Humble does not teach an "an arbitration function to determine which supervisory terminals of said one or a multiplicity of said plurality of supervisory terminals conducts supervisory activities on said checkout station" as claimed, *inter alia*, in Applicants' claim 1. The Examiner cites Snyder for disclosing this arbitration function, citing Snyder col. 21, line 34 wherein Snyder states "For example, if one of the currency dispensers

needs to be restocked, the signal transmitter generates an RF personnel-request signal which causes a message to be displayed on one of the pagers...”. Helpfully, in his conclusion, the Examiner kindly suggested that adding limitations to the arbitration function would define claim 1 over the prior art.

Applicants are highly appreciative of the Examiner’s suggestions and have amended claim 12 to include a form of the Examiner’s recommended arbitration limitation. Applicants respectfully submit, however, that the combination of Humble and Snyder still do not disclose an arbitration function as disclosed in Applicants’ claim 1. In all embodiments discussed in Snyder, the controller configures communications from the checkout station to the supervisory terminals (read: pagers) but does *not* allow for reverse communication from the supervisory terminals to the checkout station. Thus, even if Snyder’s controller has an arbitration function that chooses which supervisory terminal is alerted, it does not allow a reverse-arbitration function that allows selective administering by the supervisory terminals on the checkout station- and cannot, because no such reverse communication exists.

It is understood that Humble is cited for disclosing supervisory terminals configured to conduct supervisory activities to administer operation of a checkout station. Even if combined with Snyder, however, there would be no arbitration system to determine which supervisory terminal of Humble conducts which supervisory activity on the checkout station in need, because Snyder’s cited arbitration system only selects which supervisory terminal to alert. Thus, the combination of Snyder and Humble does not disclose “an arbitration function to determine which supervisory terminals of said one or a multiplicity of said plurality of supervisory terminals conducts supervisory activities on said checkout station” as claimed, *inter alia*, in Applicants’ claim 1.

In order to find obviousness under §103, the prior art references when combined must teach all the claim limitations. In *re Royka*, 490 F.2d 981, 180 U.S.P.Q. 580 (C.C.P.A. 1974). As noted above, the combination of Humble and Snyder does not include all of the elements of claim 1. Thus, it is respectfully submitted that claim 1 is allowable over the cited references and the §103 rejection is overcome. Claims 2-8 and 22-23 are allowable, at minimum, based on dependency of claim 1 either directly or through intervening claims.

**Claims 9-11 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of Legge**

For at least the reasons specified with respect to claim 1, claims 9-11 should be allowed as depending on independent claim 1 either directly or through intervening claims.

**Claims 12-13 rejected under 35 U.S.C. § 103(a) as being unpatentable over Humble in view of Snyder in further view of Wada**

For at least the reasons specified with respect to claim 1, claims 12-13 should be allowed as depending on independent claim 1 either directly or through intervening claims. Further, claim 12 has been amended in-line with the Examiner's suggestions to include the limitation of "and the arbitration function selects the supervisory terminal to perform the supervisory activity based on the subset into which the requested supervisory activity falls". As it is believed that neither Humble, Snyder nor Wada disclose this additional limitation, it is respectfully submitted that claims 12-13 are allowed for this additional reason.

## **Conclusions**

Therefore, for at least the reasons cited above, claims 1-13 and 22-23 are patentable over the cited references.

Pending claims 1-13 and 22-23 are believed to be in condition for allowance. Applicants respectfully request that all pending claims be allowed.

Please apply any credits or excess charges to our deposit account number 50-0521.

Respectfully submitted,



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